

United States District Court  
District of Massachusetts

**Fondy Carter**

**V.**

Dr. Newland, Dr. Spada  
P.A. Jenescko, P.A. Ajigian  
P.A. Brook, and Mr. Menon

)  
 )  
 )  
 ) **Civil No: 05-11335-NMG**

**Defendant Response to the  
Assistant U.S. Attorney  
Opposition to Said Case.**

In the government argument it was stated that Plaintiff complaint should be dismissed for Plaintiff failure to exhaust his available administrative remedies. It was also stated that the Bureau of Prisons Computerized data base reveals there is no record that Plaintiff exhausted his administrative as to this issues raised in Plaintiff complaint.

If the data base reveals there was no records of any administrative remedy procedure for this inmate. There is a problem because there was administrative remedy given to Counselor. (See Exhibit A) the date was on the **Administrative Remedy Procedures For Inmates informal Resolution**, as one can see that Counselor had all the paper work. I made copy's of all Complaints.

In the month of **Feb. 05**, I was told I was leaving, and to pack-out, and go to **R and D**. I did what I was ask, and when I

arrived at R-D, I was told it was a mistake... Two days later, my Counselor came to me and ask me if I had copies of my complaint, I asked him why would he want to know that, this person told me that he **tore up my paper work**, talking about my **administrative Remedy**, I became very upset and I ask this Person why would he do something like that, this man told me he thought that I was leaving so he tore them up. So this is why there is no records, but do to the misconduct of the government employee in which is ground for excepting the form I have sent as being administer.

#### Certification of Service

I hereby certify that a true copy of the foregoing was mailed to the United States District Court of Massachusetts, and the United States Attorney Rayford A. Farquhar at John J. Moakley U.S. Courthouse / Courthouse Way, Suite 9200 Boston, MA 02210, on this Thurs day of Feb 2 2006.

*Rayford A. Farquhar*  
Respectfully Submitted

65779-061  
Reg.No.  
F.C.I. Ashland  
P.O. Box 6001  
Ashland, KY 41105

NAME: Carter, Fondy REGISTER NUMBER: 65779-061Federal Medical Center  
Devens, MAADMINISTRATIVE REMEDY PROCEDURES FOR INMATES  
INFORMAL RESOLUTION FORM

NOTE TO INMATE: You are advised that prior to receiving and filing a Request for Administrative Remedy Form BP-9 (BP-229(13)), you must attempt to informally resolve your complaint through your Correctional Counselor. Briefly state one complaint below and list what efforts you have made to resolve your complaint informally, state the names of staff contacted and the relief that you are requesting.

DATE FORM ISSUED AND INITIALS OF CORRECTIONAL COUNSELOR: 16/02/11/05Unit: JBINMATE'S COMMENTS:

1. Complaint: Devens Medical Staff fail to provide the Community Standard of Care medically required & necessary Neuro Surgeon Consultation for the Nerve Damage Injury that I suffer from the Charcot-Marie-Tooth Disease wherein, I have loss of feeling in my lower extremities. The Neuro Surgeon is qualified to assess the damage & needed corrective surgery to stop the Nerve Damage that has gotten worse since my arrival at FMC Devens in June 2003.

2. Efforts made by you to informally resolve: numerous sick-calls, IRTS

3. Names of staff you contacted: Dr Newland, Dr Spader, PA Brooks, PA Janescko, PA Ajigiar Mr Mennon

4. Relief Requested: Provide the medically required & necessary Neuro Surgeon Examination/Consultation in order to assess my Chareot-Marie-Tooth Disease caused Nerve Damage, that has been aggravated and exacerbated since my arrival to FMC Devens in June 2003. The Neuro Surgeon Examination has been required & needed since June 2003, and should be provided now in accordance with the BOP Community Standard of Care Policy. The Neuro Surgeon's examination is required in order to provide the medically required & necessary corrective surgery.

are returned to counselor: 2/18/05

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DATE FORM ISSUED AND INITIALS OF CORRECTIONAL COUNSELOR: DOBUnit: 2-D-N JPINMATE'S COMMENTS:

1. Complaint: Devens Medical Staff refuse & deprive me, since June 2003, of the medically required & necessary surgery for my toe injuries, that the Court along with the BOP purposely transferred me to this Federal Medical Center in order to receive the Community Standard of Care toe surgery on my feet.

2. Efforts made by you to informally resolve: numerous sick-calls, IRTS

3. Names of staff you contacted: Dr Newland, Dr Spader, PA Jenescko, PA Brooks

4. Relief Requested: Provide the medically required & necessary toe surgeries, under the BOP Community Standard of Care Policy, that was the reason for my transfer, out of my region, to FMC Devens.

Date returned to counselor: 2/18/05